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February 7, 2012

**ELECTRONICALLY FILED**

The Honorable Robert B. Kugler  
United States District Court for the District of New Jersey  
Mitchell H. Cohen Building and U.S. Courthouse  
4th & Cooper Streets Room 1050  
Camden, New Jersey 08101

**Re: Sciele Pharma, Inc., et al. v. Lupin Ltd., et al., Civil No. 09-037-RBK-JS**

Dear Judge Kugler,

Together with Kelley Drye & Warren LLP and Sterns & Weinroth, we represent the Lupin Defendants in the above-captioned action. We write in connection with yesterday's Federal Circuit order vacating and remanding this Court's December 6, 2011 order granting a preliminary injunction barring Lupin from importing or selling its ANDA product, and in response to Plaintiffs' letter to the Court of last night (D.I. 316).

Consistent with Lupin's agreement at the close of the December 2, 2011, hearing to extend for one week the standstill order entered by this Court on October 18, 2011, while the Court considered its decision, Lupin again is willing to agree to a standstill under the same terms as before for one week while the Court makes "appropriate findings with regard to Lupin's obviousness arguments." (Federal Circuit Order at 4.)

Lupin disagrees with Shionogi's request that this Court enter an open-ended "temporary restraining order" reinstating the terms of the preliminary injunction which the Federal Circuit just vacated. Shionogi has asked that the "status quo" be maintained, but even if this is appropriate, that status quo is not, as Shionogi requests, the terms of the now vacated preliminary injunction, but the terms of the standstill negotiated by the parties and in place pending the preliminary injunction hearing and ruling.

We are available at the Court's convenience if the Court believes a conference should be held.

Respectfully submitted,

/s/ *Richard D. Kirk*

Richard D. Kirk (rk0922)

cc: All counsel

